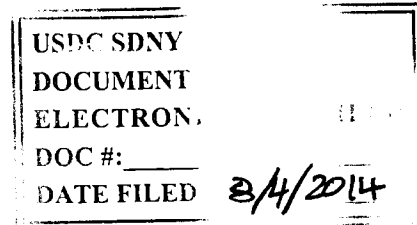


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
 JONATHAN AGRAMONTE,
on behalf of himself and all others similarly situated,

Plaintiffs,

-v-

RICHARD SHRAGER, RICH FOOD 37, LLC,,

Defendants.
 -----X

14 Civ. 3074 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

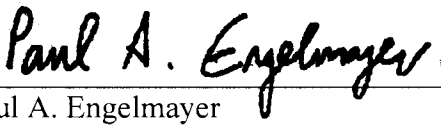
On July 28, 2014, plaintiff moved to file a Proposed First Amended Complaint “to withdraw all claims made regarding over-time compensation and spread-of-hours pay in order to conform to the facts.” Dkt. 20. Plaintiff also filed a memorandum of law in support, Dkt. 21, and an affidavit to which he attached the Proposed First Amended Complaint, Dkt. 22. Plaintiff stated that he had contacted defendants to obtain their consent, but that he had received no response. Dkt. 22 ¶¶ 2–5. Defendants have not filed a response to plaintiff’s motion.

Federal Rule of Civil Procedure 15 provides that leave to amend a complaint shall be “freely” given when “justice so requires.” Fed. R. Civ. P. 15(a)(2). “A district court has discretion to deny leave for good reason, including futility, bad faith, undue delay, or undue prejudice to the opposing party.” *McCarthy v. Dun & Bradstreet Corp.*, 482 F.3d 184, 200 (2d Cir. 2007). “However, outright refusal to grant the leave without any justifying reason for the denial is an abuse of discretion.” *Id.* at 200–01 (citation omitted).

The Court finds no reason on which to deny plaintiff leave to amend. There is no indication whatsoever of bad faith, undue delay, futility, or undue prejudice. Accordingly,

plaintiff's motion for leave to file the Proposed First Amended Complaint is granted. The Clerk of Court is respectfully directed to terminate the motion pending at docket number 20.

SO ORDERED.



Paul A. Engelmayer
United States District Judge

Dated: August 4, 2014
New York, New York